

COUNCIL CHAMBERS--CITY COUNCIL  
CITY HALL--CITY OF LODI

Monday, December 19, 1932

The City Council of the City of Lodi met at 8 o'clock P.M. on the date first above written, Councilmen Clark, Spooner, Weihe and Mayor Steele present at roll-call, Councilman Keagle arrived at 8.10 o'clock P.M. and took his seat in the Council.

The minutes of the last meeting held December 5, 1932 were read, and on motion of Councilman Weihe, the following correction was ordered entered at the close of the recorded minutes, "said adjournment being taken in respect to the memory of the late F. C. Hale, formerly City Councilman and Mayor of the City"

Fire Chief George D. Polenske asked that adequate fire mains be extended to that part of the City lying South of Chestnut Street and West of the Southern Pacific main line tracks and on motion of Councilman Spooner, this matter was referred to the Committee on Public Utilities.

Roswell P. Barbor addressed the Council in complaint concerning the drainage of the block of Chestnut Street between Church and School Streets; this was referred to Superintendent of Public Utilities, John A. Henning for investigation and report.

renewal of the  
The annual purchase agreement for liquid chlorine used at the sewage disposal plant with Great Western Electro Chemical Co. was ordered and the Mayor approved the contracts.

Mr. W. E. Riggs offered by letter, to contract for the purchase of all surplus sludge accumulating at the sewage disposal plant at \$1.00 per ton or at a price based on estimated annual production of the plant. Referred to Committee on Public Health and Safety.

On account of hinderances met in the matter of the construction of a hydro-electric power plant on properties acquired from Colorado Power Company, the following resolution was introduced by Councilman Weihe :-

RESOLUTION NO. ~~673~~ 672

WHEREAS, under the terms of the deed dated January 9th., 1929, delivered to and accepted by the City of Lodi in accordance with Resolutions Nos. 566 and 567, by which Colorado Power Company conveyed to the City of Lodi certain riparian lands and water rights situate on and along the Mokelumne River in Calaveras and Amador Counties, California, more particularly described in said deed, the City of Lodi was required to perform certain conditions subsequent, as a prerequisite to retaining title thereunder; and

WHEREAS, said conditions subsequent included the obligation to have a final investigation of the engineering features of the hydro-electric power plant, proposed to be constructed on said lands, and transmission lines connected therewith, made within a period of one (1) year from the date of said deed, and to have an election called and held within a period of two (2) years from date of said deed, for the purpose of voting bonds necessary to construct said hydro-electric power plant and transmission line, and to enter into a binding contract, within three (3) years from date of said deed, for the construction of said project works, including said power plant and said transmission line and to complete the said project works and have it in operation in connection with the existing distribution system of the grantee within four (4) years from date thereof, and thereafter, for a term of twenty-five (25) years, to pay certain kilowatt hour royalties upon the electric energy to be generated at the said plant, to Colorado Power Company, all of said conditions and requirements being included in the said deed as conditions numbered Second, Third, Fourth, Fifth and Sixth and more particularly set forth therein; and

COUNCIL CHAMBERS -- CITY COUNCIL  
CITY HALL -- CITY OF LODI

WHEREAS, the City of Lodi has caused the engineering investigation required under the second condition under said deed to be made and reported in writing to the Colorado Power Company within the time required by said deed, but has been prevented, by pendency of litigation with the East Bay Municipal Utility District and Pacific Gas and Electric Company affecting the riparian rights appurtenant to the property in question, from carrying out the remaining conditions of said deed; and

WHEREAS, by a certain "SUPPLEMENT TO DEED" recorded January 7th, 1931, in Book 86 of Deeds at page 411 and following, in the office of the County Recorder of the County of Calaveras, California, the respective periods within which the conditions and requirements enumerated in said deed dated January 9th, 1929, as conditions numbered Third, Fourth, Fifth and Sixth might be performed and complied with by said City of Lodi, were each extended for a period of one year respectively; and

WHEREAS, by a further supplemental deed recorded November 27, 1931, in Book 88 of Deeds, at page 142, et seq, in the office of the County Recorder of the County of Calaveras, State of California, the respective periods within which the conditions and requirements referred to might be performed and complied with by said City of Lodi were each extended for an additional period of one year respectively; and

WHEREAS, it now appears that in all probability, an enforced delay of at least one year, from and after the date hereof, before such litigation shall be terminated and before said conditions subsequent of said deed can be possible of fulfillment, will result;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Lodi does hereby request the Colorado Power Company to extend for an additional period of one year ( after the time allowed by said deed of January 9th., 1929, as the same has been heretofore extended in and by said "SUPPLEMENTS TO DEED" has expired ) the respective periods within the conditions and requirements enumerated in the said deed dated January 9, 1929, as conditions numbered Third, Fourth, Fifth and Sixth, may be performed and complied with by the City of Lodi, grantee thereunder, upon the same understanding by the City of Lodi set forth in Resolutions Nos. 566 and 567;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted by the Clerk of this Board to Colorado Power Company for its consideration, together with a request that the company shall, if agreeable thereto, cause to be transmitted to the said Clerk a duly executed supplementary deed on or before December 31, 1932.

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The foregoing Resolution No <sup>672</sup>~~673~~ was thereupon regularly passed and adopted by the following vote :-

AYES: Councilmen, Weihe, K eagle, Clark, Spooner and Steele.  
NOTES: Councilman, None.  
ABSENT: Councilmen, None.

The City Clerk reported that water and light bills running in the name of L. K. Cole at 209 S. Church Street could not be collected as the party had left for parts unknown and the signature of his guarantor was disputed, having evidently been signed by some one not authorized by the owner of the premises. Bills as above in the amount of \$15.75 were ordered cancelled.

Two building permits for structures to cost \$3,050.00 were ordered granted.

The Committee on Streets and Highways made an oral report of suggested changes in street cleaning so as to give opportunity for hadn labor, Mr Spooner suggesting that the motor sweeper be laid off at once and R.B. McClure and F.W. Hickok take charge of two gangs of sweepers, these foremen to be paid \$2.50 per day and the sweepers not mote than 25¢ per hour, six hours per day and for such period

COUNCIL CHAMBERS--CITY COUNCIL  
CITY HALL--CITY OF LODI

as would give as many an opportunity to work as possible. On motion of Councilman Clark, Keagle second, the report of the Committee was accepted and its members were directed to carry out their recommendations at once. Councilman Weihe then announced a meeting of the Street Committee to be held to 10 o'clock Tuesday morning and asked that the Street Superintendent, Mr Hickok and Mr McClure be notified to attend.

The Superintendent of Public Utilities was authorized to place lights on the Christmas Tree to be erected at School and Pine Streets by the Merchants Association and light them during the holiday season.

Bills in the amount of \$3,850.15 as approved by the Finance Committee were allowed and ordered paid on motion of Councilman Spooner, Weihe second.

The Mayor then called the City Council into executive session to discuss the best methods of relieving the present un-employment situation and, on returning to open meeting, adjournment to and until Tuesday, January 3rd, 1933 was had on motion of Councilman Keagle.

Attest:

*J. F. Brainerd*  
City Clerk.

The foregoing minutes of a regular meeting of the City Council held Monday, December 13, 1932 were read at length at a subsequent meeting held January 3, 1933 and approved without correction.

*G. M. Steeler*  
Mayor of the City of Lodi

January 3, 1933.